

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1177 - SB 1238

April 1, 2021

SUMMARY OF BILL: Expands the offense of observation without consent to include a Class C misdemeanor offense of intentional observation in a single-sex, multi-person use restroom, locker room, dressing room or shower where the person has a reasonable expectation of privacy from a member of the opposite sex and the person would be offended or embarrassed if the person knew that the person was being viewed by a member of the opposite sex. Makes a second or subsequent violation of such offense a Class B misdemeanor.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact – Expanding the offense of observation without consent could jeopardize federal funding to the Department of Finance and Administration of approximately \$38,643,200 in FY21-22 and subsequent years.

Assumptions:

- Pursuant to Tenn. Code Ann. § 39-13-607(d), observation without consent is a Class A misdemeanor and observation without consent when the victim is age 13 or under is a Class E felony offense.
- There will not be a sufficient change in the number of misdemeanor prosecutions for the state or local government to experience any significant change in revenue or expenditures.
- Based on information provided by the Department of Finance and Administration, the proposed legislation could put the state out of compliance with grant program requirements and jeopardize \$38,643,200 in federal funding in FY21-22 and subsequent years.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

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